

REMARKS

Applicant has received the Office Action dated February 15, 2005. No claims as are amended, canceled or added. Claims 1-29 are now pending in this application.

Applicant thanks the Examiner for conducting the interview of this matter.

§102 Rejection of the Claims

Claims 24, 26, 28 and 29 stand rejected under 35 U.S.C. § 102(b) for anticipation by Comte (U.S. Patent No. 4,640,983). Applicant respectfully traverses this rejection.

“For a prior art reference to anticipate in terms of 35 U.S.C. § 102, every element of the claimed invention must be identically shown in a single reference.” In re Bond, 910 F.2d 831, 15 USPQ2d 1566, 1567 (Fed. Cir. 1990). Comte fails to disclose “providing a second conductor . . . having a second outer filar diameter surrounded by an insulative coating” as required by claim 24. The lead structure shown in FIG. 8 of Comte does not show an insulative coating on the conductors 75, 85. In the specification, Comte merely suggests “it would be possible to provide each conductor with a flexible sheathing which holds together the wires belonging to the conductor in such a way that they contact one another more or less but are still movable somewhat with respect to one another” and states that the sheathing could consist of an elastomer. Comte col. 10, lines 48-52 and 56. Comte fails to identically describe that the “flexible sheathing” is insulative. Applicant submits that an elastomer sheath is not necessarily insulative – the dielectric strength of an elastomer sheath is affected by the thickness of the sheath and the presence of holes or cracks in the sheath, for example. Applicant can find no description in Comte that the sheath is insulative, or that the sheath has a thickness that provides an effectively insulating dielectric strength.

Reconsideration and withdrawal of the rejection of claims 24, 26, 28, and 29 under § 102 is respectfully requested.

§103 Rejection of the Claims

Claims 1-9, 11-14, 18-20, 22 and 25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Comte (U.S. Patent No. 4,640,983) in view of Helland et al. (U.S. Patent No. 5,545,201). Applicant respectfully traverses this rejection.

To support a rejection under § 103, the references when combined must teach or suggest all the claim elements. M.P.E.P. § 2142 (citing *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)). Comte and Helland alone or in combination do not teach or suggest all elements of the claims.

Claim 1

Comte and Helland neither alone nor in combination disclose each limitation of claim 1. For example, neither Comte nor Helland describe an “an insulative coating surrounding the outer filar surface.” Comte describes a sheathing, not a coating. Comte col. 10, line 49. The sheathing described by Comte is not described to be used in an insulating capacity. Rather, Comte merely describes that the flexible sheathing “holds together the wires belonging to the conductor” and that the sheathing could consist of an elastomer. Comte col. 10, lines 49-50 and 56. Applicant submits that an elastomer sheath is not necessarily insulative. The dielectric strength of an elastomer sheath is affected by the thickness of the sheath and the presence of holes or cracks in the sheath, for example. Applicant can find no description in Comte that the sheath is insulative, or that the sheath has a thickness that provides an effectively insulating dielectric strength. Helland fails to remedy the deficiencies of Comte.

Helland and Comte also provide no motivation for providing an insulative coating around an outer filar diameter, because Comte already provides an insulative sheathing 87 between the inner spiral 85 and outer spiral 75, and Helland already provides an insulator 64 between the first and second coaxial helical conductors 60, 62. See Comte Fig. 8 and col. 9, lines 59-65, and Helland Fig. 4 and col. 3, lines 4-6.

Moreover, Comte teaches away from increasing cross-sectional thickness of polymer elements. Comte describes that devices in which the spiral contains a core of insulating material “have relatively poor bending and expanding abilities and only a limited fatigue resistance, as well as relatively large cross-sectional dimensionings.” Comte col. 1, lines 59-63.

Reconsideration and withdrawal of the rejection of claim 1 under § 103 is respectfully requested.

Claim 11

Comte and Helland neither alone nor in combination disclose each limitation of claim 11. For example, neither Comte nor Helland teach or suggest an insulative coating surrounding an outer filar surface of one or more filars of the first conductor or second conductor. Comte describes a sheathing, not a coating, and does not describe the sheathing to be insulative. Comte col. 10, lines 48-56. Helland fails to remedy the deficiencies of Comte.

Moreover, Comte and Helland provide no motivation to add an insulative coating to the second conductor, because both Comte and Helland show an insulative sheath between the inner and outer conductors. See Comte Fig. 8 and col. 9, lines 59-65 and Helland Fig. 4 and col. 3, lines 4-6.

Reconsideration and withdrawal of the rejection of claim 11 over Comte and Helland is respectfully requested.

Claim 18

Comte and Helland neither alone nor in combination disclose each limitation of claim 18. For instance, claim 18 recites “providing insulation surrounding the second outer filar diameter such that a cross-section of the outer filar diameter is surrounded by an insulative coating,” which cannot be found in either of the cited references. Comte describes a sheathing, not a coating, and does not describe the sheathing to be insulative. Comte col. 10, lines 48-56. Helland fails to remedy the deficiencies of Comte. Moreover, Comte and Helland provide no motivation to add an insulative coating to the second conductor, because both Comte and Helland show an insulative sheath between the inner and outer conductors. See Helland Fig. 4 and col. 3, lines 4-6 and Comte Fig. 8 and col. 9, lines 59-65. Applicant also reserves the right to traverse unsupported assertions in the office action under § 2144.

Reconsideration and withdrawal of the rejection of claim 18 over Comte and Helland is respectfully requested.

Claims 2-9, 12-14, 19-20, 22, and 25

Claims 2-9, 12-14, 19-20, 22, and 25 are allowable at least because they depend from an allowable independent claim. MPEP § 2143.03. As described above, neither Comte nor Helland describe an “insulative coating” or “providing insulation” in combination with the other elements of the independent claims. Applicant also reserves the right to traverse unsupported assertions on pp. 3-4 in the office action under § 2144.

Reconsideration and withdrawal of the rejections of claims 2-9, 12-14, 19-20, 22, and 25 is respectfully requested.

Claims 10 and 15-17

Claims 10 and 15-17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Comte (U.S. Patent No. 4,640,983) in view of Helland et al. (U.S. Patent No. 5,545,201) and further in view of Doan (U.S. Patent No. 5,425,755) and further in view of Altman et al. (U.S. Patent No. 5,845,396).

Applicant respectfully traverses these rejections. Dependent claims 10 and 15-17 are allowable at least because they depend from an allowable independent claim. MPEP § 2143.03. As described above, Comte and Helland fail to establish all of the elements of claims 1 and 11, from which claims 10 and 15-17 respectively depend. Comte and Helland also provide no motivation to add an insulative coating to a conductor, because both Comte and Helland show an insulative sheath between the inner and outer conductors. See Helland Fig. 4 and col. 3, lines 4-6 and Comte Fig. 8 and col. 9, lines 59-65.

Applicant also reserves the right to traverse unsupported assertions in the office action under § 2144 and continues to maintain that a legally sufficient motivation to combine the references has not been established.

Reconsideration and withdrawal of these rejections is respectfully requested.

Claims 21 and 23

Claims 21 and 23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Comte (U.S. Patent No. 4,640,983) in view of Helland et al. (U.S. Patent No. 5,545,201) and further in view of Altman et al. (U.S. Patent No. 5,845,396).

Applicant respectfully traverses these rejections. Dependent claims 21 and 23 are allowable at least because they depend from an allowable independent claim. MPEP § 2143.03. As described above, Comte and Helland fail to establish all of the elements of claim 18, from which claims 21 and 23 depend, and also provide no motivation to add an insulative coating to a conductor, because both Comte and Helland show an insulative sheath between the inner and outer conductors. See Helland Fig. 4 and col. 3, lines 4-6 and Comte Fig. 8 and col. 9, lines 59-65.

Applicant also reserves the right to traverse unsupported assertions in the office action under § 2144 and continues to maintain that a legally sufficient motivation to combine the references has not been established.

Reconsideration and withdrawal of these rejections is respectfully requested.

Claim 27

Claim 27 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Comte (U.S. Patent No. 4,640,983) view of Altman et al. (U.S. Patent No. 5,845,396).

Applicant respectfully traverses this rejection. Dependent claim 27 is allowable at least because it depends from an allowable independent claim. MPEP § 2143.03. As described above, Comte fails to establish all of the elements of claim 24, from which claim 27 depends. Applicant also reserves the right to traverse unsupported assertions in the office action under § 2144 and continues to maintain that a legally sufficient motivation to combine the references has not been established.

Reconsideration and withdrawal of this rejection is respectfully requested.

INTERVIEW SUMMARY

Applicant's representatives Jeffrey Cook and Catherine Klima-Silberg participated in an interview with Examiner Frances P. Oropeza on May 17, 2005. Applicant thanks the Examiner for the opportunity to conduct the interview.

In the interview, the Comte reference and claims 1, 11, 18, and 24 were discussed. Applicant suggested that Comte does not disclose an "insulating coating" as recited by claim 1, "a coating of insulation" as recited by claim 11, "providing insulation surrounding the second outer filar diameter" as recited by claim 18, or a "second outer filar diameter is surrounded by an insulative coating" as recited by claim 24. Applicant submitted that Comte discloses an elastomer sheathing that holds together the wires shown in Comte FIG. 8, but does not describe the elastomer sheathing to be insulative. Agreement was reached that Comte does not describe the elastomer sheathing to be insulative.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (612) 373-6913 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

JEFFREY P. BODNER

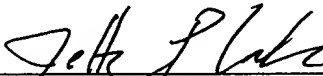
By his Representatives,

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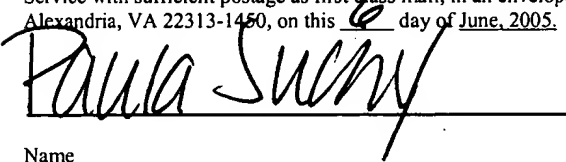
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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop AF, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 6 day of June, 2005.

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